

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David D. Pomocki
aka David D. Pomocki
Kerri L. Pomocki
aka Kerri Furey
Debtor(s)

Bankruptcy Case No.: 15-20365-JAD
Issued Per Mar. 7, 2019 Proceeding
Chapter: 13
Docket No.: 104 – 97, 99
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 14, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The claims of Toyota Motor Credit Corp. at Claim No. 2 and Claim No. 3 governs with payments proper. The secured claim of MidFirst Bank at Claim No. 20 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on payment change declarations of record.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: March 12, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
David D. Pomocki
Kerri L. Pomocki
DebtorsCase No. 15-20365-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 47

Date Rcvd: Mar 12, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2019.

db/jdb
cr +David D. Pomocki, Kerri L. Pomocki, 617 Manning Avenue, McKeesport, PA 15132-4043
+Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,
Pittsburgh, PA 15212-5860

cr +Toyota Motor Credit Corporation, c/o Schiller & Knapp LLP, 950 New Loudon Rd,
Latham, NY 12110-2100

13991135 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
13991136 +Blatt, Hasenmiller, 1835 Market Street, Suite 501, Philadelphia, PA 19103-2933
13991138 +Capital One N.A., 4340 S Monaco St Unit 2, Denver, CO 80237-3485
13991139 +Cha Collection Bureau, 25954 Eden Landing Rd, Hayward, CA 94545-3837
13991140 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
14001429 +Department Stores National Bank For Macys Branded, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053

13991142 +Ds Waters Of America Inc, 25954 Eden Landing Rd, Hayward, CA 94545-3816
13991143 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
14038223 +ECAST SETTLEMENT CORPORATION, ASSIGNEE, OF CITIBANK, N.A., POB 29262,
NEW YORK, NY 10087-9262

13991144 +EIS Collections, Box 1398, Reynoldsburg, OH 43068-6398
13991145 +Fma Alliance, 12339 Cutten Road, Houston, TX 77066-1807
14050690 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
13991148 +Midland Mtg/Midfirst, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
13991150 +Pittsburgh Federal credit union, 317 Brownsville Road, Pittsburgh, PA 15210-2297
13991152 +Pressler & Pressler, 7 Entin Road, Parsipany, NJ 07054-5020
13991154 +Sam's Club Discover/Gecb, Box 530942, Atlanta, GA 30353-0942
13991153 +Sam's Club Discover/Gecb, Box 960013, Orlando, FL 32896-0013
13991155 +Sears Credit Cards, Box 183082, Columbus, OH 43218-3082
13993032 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Corporation, PO BOX 8026,
Cedar Rapids, Iowa 52408-8026)

13991161 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
13991162 +Toyota Fsb, Po Box 108, Saint Louis, MO 63166-0108
13991163 +Toyota Motor Credit Co, 240 Gibraltar Rd Ste 260, Horsham, PA 19044-2387

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:59:55
PRA Receivables Management, LLC, PO Box 41067, Norfolk, VA 23541-1067

14034383 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 13 2019 02:37:20
American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
Oklahoma City, OK 73126-8941

13991137 E-mail/PDF: resurgentbknofications@resurgent.com Mar 13 2019 02:36:35 CACH, LLC,
PO Box 10587, Greenville, SC 29603-0587

14013967 +E-mail/Text: bncmail@w-legal.com Mar 13 2019 02:31:23 CERASTES, LLC,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

13991803 +E-mail/Text: bankruptcy@cavps.com Mar 13 2019 02:31:30 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321

13994806 E-mail/Text: mrdiscen@discover.com Mar 13 2019 02:30:39 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

13991141 +E-mail/Text: mrdiscen@discover.com Mar 13 2019 02:30:39 Discover Fin Svcs Llc,
Po Box 15316, Wilmington, DE 19850-5316

14060893 +E-mail/Text: kborkley@bernsteinlaw.com Mar 13 2019 02:31:47 Duquesne Light Company,
c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,,
Pittsburgh, PA 15219-1945

13991147 +E-mail/Text: ebn@ltdfin.com Mar 13 2019 02:30:49 LTD Financial Services,
7322 Southwest Freeway Suite 1600, Houston, TX 77074-2134

13991146 +E-mail/Text: bk@lendingclub.com Mar 13 2019 02:31:38 Lending Club Corp,
71 Stevenson St Ste 300, San Francisco, CA 94105-2985

13991149 +E-mail/Text: bnc@nordstrom.com Mar 13 2019 02:30:44 Nordstrom Fsb, Po Box 13589,
Scottsdale, AZ 85267-3589

14520087 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:59:42
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541

14053364 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:36:52
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

13991151 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 13 2019 02:37:14 Portfolio,
Box 12914, Norfolk, VA 23541-0914

13991156 E-mail/PDF: cbp@onemainfinancial.com Mar 13 2019 02:36:45 Springleaf, Box 742536,
Cinninnati, OH 45274

13991157 E-mail/PDF: cbp@onemainfinancial.com Mar 13 2019 02:36:45 Springleaf Financial,
601 Nw 2nd St, Evansville, IN 47708

14004211 E-mail/PDF: cbp@onemainfinancial.com Mar 13 2019 02:36:25 Springleaf Financial Services,
PO Box 3251, Evansville, IN 47731

13991158 +E-mail/PDF: gecsedirecoverycorp.com Mar 13 2019 02:36:46 Synchb/care Credit,
950 Forrer Blvd, Kettering, OH 45420-1469

13991159 +E-mail/PDF: gecsedirecoverycorp.com Mar 13 2019 02:36:27 Synchb/jcp, Po Box 965007,
Orlando, FL 32896-5007

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 47

Date Rcvd: Mar 12, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

13991160 +E-mail/PDF: gecsed@recoverycorp.com Mar 13 2019 02:36:27 Synch/walmart Dc, Po Box 965024,
Orlando, FL 32896-5024
14062459 E-mail/PDF: gecsed@recoverycorp.com Mar 13 2019 02:36:30 Synchrony Bank,
c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
14006197 +E-mail/Text: bncmail@w-legal.com Mar 13 2019 02:31:23 TD BANK USA, N.A.,
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
cr MidFirst Bank
cr* +Pittsburgh Federal Credit Union, 317 Brownsville Road, Pittsburgh, PA 15210-2297
14632963* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 41067,
Norfolk, VA 23541)

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 12, 2019 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor MidFirst Bank andygornall@latouflawfirm.com
Edward T. Harvey on behalf of Creditor Pittsburgh Federal Credit Union eharvey@hrslaw.com,
dscott@hrslaw.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
James E. Miscavage on behalf of Debtor David D. Pomocki jamesmiscavage@gmail.com
James E. Miscavage on behalf of Joint Debtor Kerri L. Pomocki jamesmiscavage@gmail.com
Joshua I. Goldman on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
Martin A. Mooney on behalf of Creditor Toyota Motor Credit Corporation
ahight@schillerknapp.com,
kcollins@schillerknapp.com/tshariff@schillerknapp.com/cmack@schillerknapp.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com/acarr@bernsteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com/srk@sjwpgh.com

TOTAL: 11